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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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YAKOV KAMEN

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EXAMINER

FEATHERSTONE, MARK D

ART UNIT

PAPER NUMBER

2423

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DELIVERY MODE

10/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/449,016	Applicant(s) KAMEN ET AL.	
	Examiner MARK D. FEATHERSTONE	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-13 and 16-48 is/are pending in the application.
- 4a) Of the above claim(s) 17-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-13, and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/29/2009 has been entered.

Amendment

Response to amendment filed 07/29/2009. Claims 1, 3-4, 6, and 11 have been amended. Claims 5 and 14 have been canceled. Claims 1, 3-4, 6-13, and 16 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-14, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson, US Patent # 4918531, hereinafter Johnson.

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With regard to claim 1, Johnson discloses a method comprising:

displaying a first television program on substantially all of a video screen to a user, said first television program comprising a commercial of a predetermined time length (column 4, lines 62-64, a commercial message is displayed as the main picture corresponding to substantially all of a video screen);

in response to a user selection, changing the first television program segment to a second television program segment, whereupon the second television program segment is displayed on substantially all of the video screen (a viewer changes channels, and the newly selected channel is in the main position) along with a window region on the video screen that simultaneously displays an indication of the commercial (column 5, lines 4-8; figure 5, item 530; the time remaining for the first commercial (indication of the commercial) is displayed simultaneously along with the second segment); and

modifying the indication displayed to the user in the window region when the predetermined time length of the commercial is complete to alert the user that the commercial has ended (column 5, lines 4-8; the timer is modified every second, thus when the timer reaches zero, this will be an indication to the user that the commercial has ended).

With regard to claim 8, Johnson further discloses wherein said second television program segment comprises viewing another regularly received television channel on said video screen (column 4, lines 62-67; when the user

switches channels, the newly selected channel will move to the main position as illustrated in figure 5, item 500).

2. Claims 3, 6-7, 9-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Wagner et al, WO 99/17549 (previously cited by applicant), hereinafter Wagner.

With regard to claim 3, Johnson discloses the method of claim, however fails to disclose wherein the indication displayed in said window region is a banner of a message related to the commercial. In an analogous art, Wagner discloses a system for providing additional information about products shown in a commercial a user is watching (background). On page 12, Wagner discloses that interactive content can be accessed in relation to material currently being viewed on the screen, such as a website of a sponsor whose commercial is being viewed. As illustrated in figure 6 (item 40) a window will appear on the screen to indicate the presence of interactive content. As described on page 13, an information panel 45 will appear upon selection (see Fig. 7, corresponding to a banner of a message related to the commercial). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Johnson which displays a timer corresponding to a commercial with the teaching of Wagner of displaying a banner of a message relating to the commercial content to the user. The combined system would present additional information about commercials to the user during a break in programming (Wagner, page 12).

Claim 6 is analyzed and rejected as applied to claim 3. As discussed, the banner interactive material is related to the commercial that the user was watching (Wagner, page 12).

With regard to claim 7, Wagner further discloses wherein said second television program segment comprises access to the internet (page 12, "interactive content may include the Web site of a sponsor whose commercial is currently being viewed"). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to further combine the teaching of accessing a website to receive the content as suggested by Wagner to provide the banner content.

With regard to claim 9, Wagner further discloses wherein a link is associated with said window region, said method further comprising invoking said link (page 13 and figure 7, item 47 "get info" button, which when invoked will download content corresponding to the commercial). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to further combine the teaching of a link (corresponding to a "get info" button that when invoked downloads content) taught by Wagner to the system of Johnson as links to access information are well-known in the art.

Claim 10 is analyzed and rejected as applied to claims 7 and 9. As discussed, Wagner discloses the feature invoking a website (page 12).

Claim 11 is analyzed and rejected as applied to claims 1 and 9-10.

With regard to claims 12-13, Wagner further discloses wherein the additional signal information to be displayed is included in a portion of a video signal that does not normally contain visual information (page 12, "the data can be included within the VBI of the television signal). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Wagner to transmit the content in the VBI to the system of Johnson as it is well-known to provide supplemental content using the VBI as taught by Wagner.

Claim 16 is analyzed and rejected as applied to claims 1, and 9-10.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Alexander et al, US Patent # 6177931, hereafter Alexander.

With regard to claim 4, Johnson discloses the method of claim 1 by disclosing a window region that displays information about a video segment. Johnson fails to disclose that the window region displays a thumbnail commercial related to the first television program segment (defined by the applicant as a commercial in a small window region).

Alexander does disclose this feature (Figure 1, item 14 and column 3, lines 8-10; Alexander specifically discloses a small window (1/9th the screen size) that displays a commercial advertisement; furthermore in column 33, lines 25-43, Alexander describes that the thumbnail commercials displayed are related to the television video that was previously played by the user of the program

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guide (i.e. a first television program segment). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Alexander to the system of Johnson in order to target commercials played in a thumbnail window to the shows the user has chosen to view, thereby effectively targeting advertisements to the viewer based on viewing habits.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Assistant Examiner

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423